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TRANSMISSION ON JANUARY 7, 2005 TO  
FACSIMILE #703-872-9306, FOR EXAMINER  
YVONNE R. ABBOTT, TELEPHONE 703 308 2866,  
ART UNIT 3644**

Response 15 pages,  
Drawings 0 sheets  
Terminal Disclaimer 0 sheet.  
Total Fax pages 15

Our Ref. No. P-1624-031

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:  
ESPINDA

Date: January 7, 2005

Serial No. 10/702,687

Group Art Unit: 3644

Filed: November 5, 2003

Examiner: Yvonne R. Abbott

For: BIRD SEED COLLECTOR

**AMENDMENT AND RESPONSE**

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Commissioner:

In response to the communication from the Examiner dated October 18, 2004,  
please consider the following:

**Response Is Timely**

The applicant respectfully observes that this response is timely following the  
Examiner's Communication of October 18, 2004. This response was filed January 7,  
2005 and is timely. However, the Examiner is hereby authorized to deduct other fees  
owing from the deposit account of Liebler, Ivey & Connor, P.S./Floyd E. Ivey, 35,552,  
Deposit account No. 50-0607.

Certificate of facsimile filing  
on January 7, 2005 by Floyd E. Ivey,  
Serial No. 10/702,687.

Application No. 10/702,687

Floyd E. Ivey, USPTO 35552,

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1 I. INTRODUCTORY COMMENTS2 Response to Detailed Action of October 18, 2004

3 The Examiner sets forth Claim Objections at page 2, Claim Rejections per 35  
4 USC 112 at page 2, and Claim Rejections per 35 U.S.C. 102 at page 2-4 and Claim  
5 Rejections per 35 U.S.C. 102 and 35 U.S.C. 103(a) at pages 3-4. Your applicant now  
6 responds to the Examiner's Action of October 18, 2004.

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